

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff

V.

ARRANTZAZU ATORRASAGASTI,

Defendant

Case No.: 2:17-cr-00089-APG-VCF

## Order Denying Motion for Early Termination of Probation

[ECF No. 53]

Defendant Arrantzazu Atorrasagasti moves to terminate her probation early. ECF No. 53.

The United States Attorney and the United States Probation Office oppose.

Modification of probation is governed by 18 U.S.C. §3564(c). Under that statute, I first must consider “the factors set forth in section 3553(a).” Ms. Atorrasagasti was convicted of conspiracy to commit mail fraud and sentenced to two years of probation. ECF No. 52.

Obviously this is a crime that warrants punishment. The conditions of probation have protected the public and deterred her from committing additional crimes.

The Judicial Conference’s Guide to Judiciary Policy, Volume 8E, Chapter 3, § 360.20(c) provides that, for an offender who satisfies the minimal statutory factors, at 18 months there is a presumption in favor of early termination if the offender (1) does not meet the criteria of a career drug offender or career criminal (as described in 28 U.S.C. § 994(h)) or has not committed a sex offense or engaged in terrorism; (2) presents no identified risk of harm to the public or victims; (3) is free from any court-reported violations over a 12-month period; (4) demonstrates the ability to lawfully self-manage beyond the period of supervision; (5) is in substantial compliance with all conditions of supervision; and (6) engages in appropriate prosocial activities and receives sufficient prosocial support to remain lawful well beyond the period of supervision.

1 Ms. Atorrasagasti has completed 12 of the 24 months of probation she was ordered to  
2 serve. She has no reported violations. However, she has made restitution payments in only six  
3 of those 12 months. It is unclear whether the payments she made represent 10% of her gross  
4 income, as required by the judgment. The Probation Office opposes early termination because of  
5 her insufficient payment history.

6 At sentencing I noted my concern that this was not the first time Ms. Atorrasagasti had  
7 engaged in fraudulent conduct like this. Despite that, I granted probation instead of  
8 incarceration. Serving only one-half of the probationary term is not a sufficient punishment.

9 Finally, Ms. Atorrasagasti has not identified any undue hardship caused by her  
10 probationary term, nor offered any reason why her probation should be terminated early.

11 Therefore, Ms. Atorrasagasti's motion for early termination of supervision (**ECF No. 53**)  
12 **is DENIED without prejudice.**

13 DATED this 6th day of July, 2022.



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15 ANDREW P. GORDON  
16 UNITED STATES DISTRICT JUDGE  
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